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Butler, David

From: Carrie Schurg <caschurg@AustinRogersPA.com>
Sent: Wednesday, March 07, 2018 1:37 PM
To: Butler, David
Cc: K. Chad Burgess; Benjamin Mustian; Bateman, Andrew; Pittman, Jenny; alex@shissiaslawfirm.com; Richard Whitt; Scott Elliott; Bholman@selcsc.org; Tim Rogers
Subject: Docket 2018-2-E - Extension of Time to File Responsive Testimony

274 962

This email was dictated by Richard Whitt:

David:

1. We represent the South Carolina Solar Business Alliance, Inc., and Southern Current LLC, in Docket 2018-2-E. I am addressing this request to you, because you have previously issued a Standing Hearing Officer Directive in this Docket.
2. As you know, SCE&G filed its Testimony on February 23, 2018, in Docket 2018-2-E, addressing not only the fuel case, but including the issues of PR-2 rate update and avoided costs. The inclusion of these two additional issues were as a result of SCE&G's request for a waiver, filed with this Commission on December 22, 2017.
3. Because these two additional, important issues were included in the Testimony, we are requesting that our March 22, 2018 Testimony deadline to be extended 90 days, or in the alternative, be held in abeyance until the parties have ample time to complete discovery requests and report back to you.
4. The issues of the fuel case, plus the PR-2 rate update and avoided costs, are too complicated for the existing time frame. Also, we need time for discovery requests to the Company, before we file Testimony.
5. All parties are copied hereon. Please advise, and this request is,

Respectfully Submitted,
Richard Whitt,
Timothy F. Rogers,
As Counsel for South Carolina Solar Business Alliance, Inc., and
Southern Current LLC.

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MAR 08 2018

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MAIL / DMS

Butler, David

From: Richard Whitt <rlwhitt@AustinRogersPA.com>
Sent: Thursday, March 08, 2018 7:32 AM
To: K. Chad Burgess
Cc: Butler, David; Benjamin Mustian; Bateman, Andrew; Pittman, Jenny; alex@shissiaslawfirm.com; Scott Elliott; Bholman@selcsc.org; Tim Rogers; Carrie Schurg; Matthew Gissendanner
Subject: Re: Docket 2018-2-E - Extension of Time to File Responsive Testimony

David:

We plan to respond by COB today.

Regards,
 Richard Whitt.

Sent from my iPhone - Richard L. Whitt

On Mar 7, 2018, at 5:34 PM, BURGESS, KENNETH CHAD <chad.burgess@scana.com> wrote:

Dear David –

SCE&G is in receipt of the South Carolina Solar Business Alliance, Inc. and Southern Current LLC's (together "Solar Entities") request for a 90 day extension of time to submit its pre-filed direct testimony in the above-referenced docket. For the reasons below, this request should be denied.

As the Commission is aware, the Solar Entities have been past participants in prior fuel dockets, and as past participants they are fully aware of the issues to be addressed in a fuel proceeding. To claim that SCE&G's request for a waiver to adjust its avoided costs in December 2017, is the mechanism by which the Company is injecting "additional issues" in this proceeding is inaccurate. The Commission initiated Docket No. 2018-2-E on October 4, 2017, and in doing so, issued a Notice of Hearing and Prefile Testimony Deadlines ("Notice of Hearing"). By December 15, 2017, SCE&G had timely provided the Commission's Notice of Hearing to all its electric customers and had also caused the Notice of Hearing to be published in newspapers throughout SCE&G's electric service territory. The Notice of Hearing explicitly states that the avoided costs incurred by the Company will be addressed in the fuel proceeding, and the Solar Entities have known for years that SCE&G's avoided costs are set forth in its "Rate Schedule PR-2." And, they have likewise known that SCE&G updates its PR-2 Rate each year during the fuel proceeding. See Dockets No. 2016-2-E and 2017-2-E. Those prior dockets demonstrate that "[t]he issues of the fuel case, plus the PR-2 rate update and avoided costs" are not "too complicated for the existing time frame."

Contrary to the Solar Entities' belief otherwise, the inclusion of avoided costs in this docket is not the result of SCE&G requesting a waiver to update its avoided costs; it is South Carolina law and specifically, Act 236, which requires that avoided

costs be addressed in SCE&G's fuel proceeding. The Solar Entities have known since June 2014, that avoided costs will be addressed in SCE&G's annual fuel proceeding. Setting the statute aside, on January 5, 2018, the South Carolina Solar Business Alliance, Inc. opposed SCE&G's December 2017 request for a waiver to update its avoided cost, and on January 24, 2018, the Commission directly addressed SCE&G's request, and the Solar Entities' opposition in Order No. 2018-55. In that order, the Commission ruled that "[c]urrent uncertainties with SCE&G make it appropriate to address [SCE&G's request for a waiver] in the context of the fuel case in April." Moreover, the Solar Entities ignore the fact that the Commission agreed with the suggestion of the Coastal Conservation League, who also opposed SCE&G's waiver request, that SCE&G be required to address its proposed avoided costs in its prefiled testimony in the fuel proceeding. Ironically, the Coastal Conservation League, who strongly supports the Solar Entities' request for more time, appear to have forgotten that the Commission agreed with their suggestion.

With regard to the Solar Entities' claim that they need time to conduct discovery, this argument should be rejected. The Commission informed the public that any person who wishes to participate in this docket had until January 25, 2018, to file a Petition to Intervene. Southern Current, LLC filed its Petition to Intervene on January 22, 2018, and the South Carolina Business Alliance, Inc. filed its Petition to Intervene on January 23, 2018; they obviously had read and understood the Notice of Hearing. Moreover, the South Carolina Solar Business Alliance (whose membership includes Southern Current) knew by way of Commission Order No. 2018-55 issued on January 25, 2018, that SCE&G would include its updated avoided cost rate in its prefiled testimony. Since that time, the Solar Entities have made no attempt whatsoever to conduct any discovery in this docket. It is their absolute right to not be active in this docket, but to wait until March 7, 2018, and then claim that they need time for discovery when they have made no attempt to conduct discovery is untenable. The Coastal Conservation League's "strong[] support" for the Solar Entities' request appears to be nothing more than their attempt to cure their poor planning in the service of discovery. More specifically, the Coastal Conservation League waited until March 6, 2018, to serve discovery upon SCE&G. By regulation, SCE&G's responses are due March 26, 2018, which is 4 days after the other parties' direct testimony is due. That the Solar Entities and the Coastal Conservation League have either not yet filed discovery or waited until this late date to file discovery is no fault of SCE&G and is not a sufficient basis to support a request for an extension of time.

Lastly, an extension of 90 days would push this proceeding well beyond the date by which SCE&G seeks to have its fuel rates implemented. For years, SCE&G has implemented its new fuel rates beginning with its first billing cycle in May. Again, as past participants, the Solar Entities know that their request is disruptive, and they have not provided an adequate basis for their disruption. Based on the foregoing, SCE&G objects to the Solar Entities' request. But in the event that the Solar Entities' request is granted, then SCE&G respectfully requests that the Commission immediately suspend its existing PR-2 rate and instruct SCE&G to not execute any additional purchase power agreements with solar developers until the

Commission issues an order setting SCE&G's avoided costs at an appropriate level.

If you have any questions, please advise.

Chad

From: Carrie Schurg [<mailto:caschurg@AustinRogersPA.com>]
Sent: Wednesday, March 7, 2018 1:37 PM
To: F. David Butler (david.butler@psc.sc.gov) <david.butler@psc.sc.gov>
Cc: BURGESS, KENNETH CHAD <chad.burgess@scana.com>; bmustian@willoughbyhoefer.com; abatement@regstaff.sc.gov; jpittman@regstaff.sc.gov; alex@shissiaslawfirm.com; Richard Whitt <rlwhitt@AustinRogersPA.com>; selliott@elliottlaw.us; Bholman@selcsc.org; Tim Rogers <tfrogers@AustinRogersPA.com>
Subject: Docket 2018-2-E - Extension of Time to File Responsive Testimony

***This is an EXTERNAL email from Carrie Schurg (caschurg@austinrogerspa.com). Please do not click on a link or open any attachments unless you are confident it is from a trusted source.

This email was dictated by Richard Whitt:

David:

1. We represent the South Carolina Solar Business Alliance, Inc., and Southern Current LLC, in Docket 2018-2-E. I am addressing this request to you, because you have previously issued a Standing Hearing Officer Directive in this Docket.
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Respectfully Submitted,
 Richard Whitt,
 Timothy F. Rogers,
 As Counsel for South Carolina Solar Business Alliance, Inc., and
 Southern Current LLC.

Butler, David

From: Blan Holman <bholman@selcsc.org>
Sent: Wednesday, March 07, 2018 2:06 PM
To: Butler, David; Carrie Schurg; Richard Whitt
Cc: K. Chad Burgess; Benjamin Mustian; Bateman, Andrew; Pittman, Jenny; alex@shissiaslawfirm.com; Scott Elliott; Tim Rogers
Subject: RE: Docket 2018-2-E - Extension of Time to File Responsive Testimony

David:

The Coastal Conservation League and the Southern Alliance for Clean Energy strongly support the requested relief, for the reasons set forth by Mr. Whitt.

Thank you,

Blan

Blan Holman
 Southern Environmental Law Center
 463 King St. - Suite B
 Charleston, SC 29403

p. 843 720 5270
www.southernenvironment.org

From: Butler, David [David.Butler@psc.sc.gov]
Sent: Wednesday, March 07, 2018 1:43 PM
To: Carrie Schurg; Richard Whitt
Cc: K. Chad Burgess; Benjamin Mustian; Bateman, Andrew; Pittman, Jenny; alex@shissiaslawfirm.com; Richard Whitt; Scott Elliott; Blan Holman; Tim Rogers
Subject: RE: Docket 2018-2-E - Extension of Time to File Responsive Testimony

Richard:

I am in receipt of your request. I would be glad to receive responses from other parties, if appropriate.

Thanks,

David Butler

From: Carrie Schurg [mailto:caschurg@AustinRogersPA.com]
Sent: Wednesday, March 07, 2018 1:37 PM
To: Butler, David <David.Butler@psc.sc.gov>
Cc: K. Chad Burgess <chad.burgess@scana.com>; Benjamin Mustian <bmustian@willoughbyhoefer.com>; Bateman, Andrew <abateman@regstaff.sc.gov>; Pittman, Jenny <jpittman@regstaff.sc.gov>; alex@shissiaslawfirm.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Scott Elliott <sellott@elliottlaw.us>; Bholman@selcsc.org; Tim Rogers <tfrogers@AustinRogersPA.com>
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